

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

State of Illinois  
Department of Transportation,  
Petitioner,

v.

CSX Transportation, Inc.  
Respondent.

Petition for authorization to replace the superstructure of the grade separation structure situated over CXS's tracks located approximately 1 mile south of I-70 on Vandalia, Fayette County, Illinois and for a waiver of the clearance requirements of 92 Ill. Adm. Code Section 1500.

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) Docket No.

*701-0048*

**RECEIVED**  
AUG 16 2001

Illinois Commerce Commission  
RAIL SAFETY SECTION

PETITION

The State of Illinois, Department of Transportation ("Department") by and through its attorney, James Ryan, Illinois Attorney General hereby petitions the Illinois Commerce Commission ("Commission") for authority to replace the superstructure of the grade separation structure ("bridge") situated over the railroad tracks of the CSX Transportation, Inc. ("Railroad") approximately 1 mile south of I-70 in Vandalia, Illinois, and for a waiver of the Commission's clearance requirements set forth in 92 Ill. Adm. Code Section 1500. In support of the Petition, the Department states as follows:

1. The Commission has jurisdiction of the subject matter of this Petition and of the parties pursuant to Chapter 18 of the Illinois Commercial Transportation Law. (625 ILCS 5/18(c)-7401)
2. The superstructure of the existing bridge carries US Route 51 (FAP 857) which is a primary thoroughfare through the City of Vandalia.
3. The superstructure is in need of replacement due to the poor condition of the existing deck and beams.
4. The Department proposes to replace the existing bridge's superstructure as indicated in the proposed plans attached hereto and incorporated herein as Exhibit A.
5. As part of its proposal, the Department seeks to maintain the existing vertical clearance over the Railroad's tracks of 21 feet 6 inches, and accordingly requests that the Commission waive its clearance requirements of 92 Ill. Admin. Code Section 1500.
6. The reasons in support of the requested waiver are as follows:
  - a) The existing bridge is situated in the historic portion of the City of Vandalia with two businesses and one historical building housing a museum in close proximity.
  - b) Raising the bridge would cause all water runoff to flow towards said businesses and historical building.
  - c) As the sidewalk grade in front of these buildings is fixed by each building's respective door threshold and foundation height, it is not feasible to raise the adjacent sidewalk.

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d) If the bridge were raised, major improvements to the street to the north of the bridge would be necessary in order to keep it open. Quite possibly, such improvements may not even be practical, which would then result in the closure of the street providing access to the historical building (museum).

e) In order to achieve the 23 foot clearance, the whole structure would have to be replaced, as the existing abutments and wingwalls can support only a superstructure replacement. Furthermore, not only would this requirement be cost prohibitive, but it would also cause excessive vibrations to the building in close proximity, including the fragile historic building.

7. The Department does not seek from the Railroad any contribution of funds for the replacement project.

8. The Railroad has no objection to the proposed replacement plans as submitted by the Department.

9. The Department has programmed this project on the FY-2002 with a proposed letting date of April 25, 2002.

10. The Department expects to complete the replacement of the bridge by November 31, 2003.

11. The Department and the Railroad have executed a written Agreement providing for replacement of the subject grade separation structure. A copy of said Agreement is attached hereto and marked as Exhibit 1 for the Commission's review.

12. The Department requests that the Commission's Order incorporate the provisions of said Agreement.

WHEREFORE, the State of Illinois, Department of Transportation prays that the Illinois Commerce Commission enter an Order, *without hearing*, in which it authorizes the replacement of the superstructure of the grade separation structure situated over the Railroad tracks located approximately 1 mile south of I-70 in Vandalia Illinois and waives the vertical clearance requirements of 92 Ill. Adm. Code Section 1500.

Respectfully submitted,  
ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Jim Ryan, Illinois Attorney General



Stacey C. Holló  
Special Assistant Attorney General

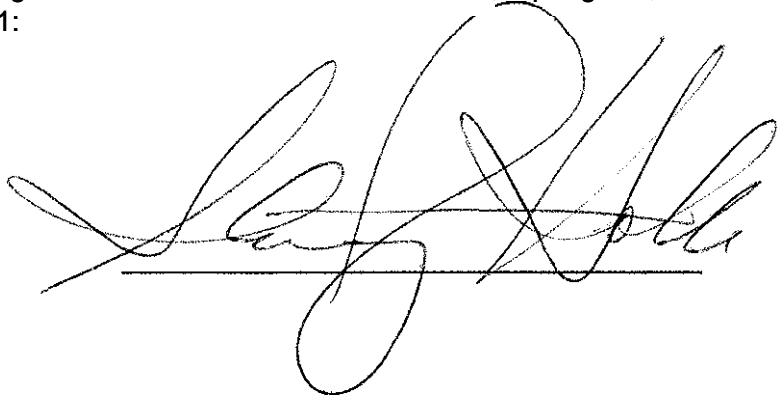
Dated Aug 14, 2001

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(217) 782-3215  
Counsel for the Illinois  
Department of Transportation

## PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served upon the addressee listed below by mailing a true and correct copy via first class mail, postage ire-paid and depositing the same in the United States Mail, Springfield, Illinois, this 14 day of August, 2001:

A handwritten signature in black ink, appearing to read 'Kenneth W. Mettler', is written over a horizontal line.

CSX Transportation, Inc.  
Kenneth W. Mettler  
733 W. 136<sup>th</sup> Street  
Riverdale, IL 60627